REMARKS

Claims 1–16 are pending and were rejected. Claim 16 was objected to. Claims 11–16 are amended herein. Claims 1–16 remain pending. Reconsideration and withdrawal of the rejections of claims 1–16 and the objection to claim 16 are requested in view of the foregoing amendments and the following remarks.

Objection to Claim 16

Examiner objected to claim 16 because "Examiner notes that applicant contends that they did not present any formally amended claims with respect to prior art *." While the meaning of this objection is not clear, it appears that there is some confusion arising out of the amendment to claim 16 presented in the prior office action response. As inspection of the record will show, claim 16 as originally presented purported to be a method claim but depended from a "machine readable medium" claim. Claim 16 was amended by the prior response to also be a machine readable medium claim. The introductory paragraph of the remarks filed with the previous amendment stated that no claims were amended. This was an inadvertent misstatement, and the claims listing showing the amendment is controlling. 37 C.F.R. § 1.121(c) ("The claim listing … in the amendment document will serve to replace all prior versions of the claims…."). Reconsideration and withdrawal of this objection are therefore requested.

Rejection of Claims 11–16 Under § 101

Claims 11–16 were rejected under 35 U.S.C. § 101 as not drawn to statutory subject matter because they recite "machine readable" media as opposed to "computer readable" media. Examiner's basis for this rejection appears to be that a "machine readable medium" embodies non-functional descriptive media. Applicant respectfully disagrees and note that claims 11–16 require that the medium "have embodied thereon instructions executable by a machine to perform…" method steps. These claims clearly do not encompass non-functional descriptive media, as the claim expressly requires that the machine reading the media perform certain actions thus "permitting the function of the descriptive material to be realized" and "imparting the functionality of the recited program" as described in the Guidelines for Computer-Implemented Inventions.

Nonetheless, in the interest of advancing this matter to allowance, claims 11–16 have been amended as suggested by the Examiner to recite "computer readable" media. Reconsideration and withdrawal of this rejection are therefore requested.

Rejection of Claims 1–16 Under § 103

Claims 1–2, 5, 9–12, and 15–16 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent 5,710,839 to Cok ("Cok"). Applicant notes that this rejection is substantially the same as the rejection under § 102(b) over Cok previously received, and that the deficiencies noted in the prior response apply equally to the present rejection.

Cok describes a method and apparatus for obscuring features of an image. More specifically, Cok describes a technique in which an image is acquired, a user designates a portion of the image to be obscured, and the computer applies a convolution kernel to the image to obscure the selected portion. Cok at col. 3, ll. 1–18.

Claim 1 is drawn to a method of applying a blur to an image that includes three steps. The first of these steps is "defining a primary kernel to compute an output pixel as a weighted average of a plurality of pixels of the image *wherein a spatial relationship between the output pixel and the plurality of pixels is determined by a step size of the primary kernel*" (emphasis added). Examiner contends that this limitation is met by Cok at col. 3, l. 15 and Figs. 5a–5d. Applicant respectfully disagrees. The cited portion of Cok does not teach or suggest that the spatial relationship between the output pixel and the plurality of pixels used in the computation is determined by the step size of the primary kernel. The cited passage says nothing at all about a step size of the primary kernel. Moreover, Figs. 5a–5d, which illustrate exemplary kernels used in Cok, all feature the same step size. Therefore Cok fails to meet this first limitation of claim 1.

The second step recited in claim 1 requires "applying the primary kernel to each pixel of the image to produce an intermediate result." The third step requires "*increasing the step size of the primary kernel to create a higher order primary kernel* and applying the higher order primary kernel to the intermediate result to produce a result image" (emphasis added). Examiner contends that the third limitation is met by Cok at col. 4, l. 20. However, neither this passage nor any other portion of Cok teaches anything about increasing the step size of the primary kernel to produce a higher order kernel. In fact, Cok at col. 4, ll. 1–6 state that "Four separate kernels are used to obscure the region of interest.... Each kernel is used on one of the four sides of the

rectangular region of interest. Alternatively, *the kernels can be considered as the same kernel but rotated when applied to each of the four sides*" (emphasis added). This passage makes clear that there is no change in step size or order of the kernel as required by claim 1.

Therefore, Cok fails to teach at least two limitations of claim 1. Specifically, Cok fails to teach or suggest "defining a primary kernel ... wherein a spatial relationship between the output pixel and the plurality of pixels is determined by a step size of the primary kernel." Cok further fails to teach or suggest "increasing the step size of the primary kernel to create a higher order primary kernel and applying the higher order primary kernel to the intermediate result to produce a result image."

Examiner now contends that:

> Although Cok does not specifically disclose that the computation of the spatial relationship between the output pixel and the plurality of pixels is determined by the step size of the primary kernel, it is made obvious that "The shape of the region, including the use of a primary kernel and or step size used for processing can be arbitrary as long as it is a closed curve as described and the kernels of Figure 17 and 18 are alternative examples.

Office Action of October 29, 2007 at p. 5. As an initial matter, Applicants note that the "quote" provided without citation by Examiner does not appear at all in Cok. The nearest passage in Cok is the paragraph beginning at col. 9, l. 10, which actually states:

> The shape of the region used for processing can be arbitrary as long as it is a closed curve and the kernels of FIGS. 17 and 18 modified according to curve sharpness can be used to process the region. Thus, it is possible for the user to outline the area to be obscured using conventional drawing techniques and have only that limited region obscured.

As can be seen, Cok teaches nothing at all about kernel step size in this passage.

Furthermore, Examiner's argument makes clear that Cok cannot render claim 1 obvious. Examiner states that Cok teaches that step size of the kernel can be arbitrary. (As noted above, whether this is true or not is another matter, but for purposes of this argument, it will be taken as true.) Claim 1 plainly requires that "a spatial relationship between the output pixel and the plurality of pixels is determined by a step size of the primary kernel." This is fundamentally inconsistent with an "arbitrary" kernel step size. This limitation specifies a relationship between

the output pixels (*i.e.*, the intended result) and the step size of the kernel. Thus, applying the "arbitrary" kernel step size of Cok in the context of claim 1, would lead to "arbitrary" output pixels, which is not an intended (or useful) result.

Furthermore, as noted above, claim 1 requires "increasing the step size of the primary kernel to create a higher order primary kernel and applying the higher order primary kernel to the intermediate result to produce a result image." There is clearly no teaching in Cok of iteratively applying kernels of different step sizes. In fact, Cok teaches exactly the opposite, *i.e.*, iterative application of kernels having the same step size. In fact, all Cok teaches are kernels having the same step size. Examiner has given no reason why one skilled in the art would modify Cok to iteratively apply kernels of different step size, and, on the present record, Examiner cannot give any such reason that would not be impermissible hindsight.

Conclusion

Because Cok does not teach or suggest each limitation of claim 1 and because Examiner gives no reason why one of ordinary skill in the art would modify Cok to provide these missing limitations, Cok cannot render claim 1 obvious. Claims 2–10 depend from claim 1 and therefore incorporate the limitations of claim 1. Independent claim 11 recites limitations similar to those discussed above with respect to claim 1, and claims 12–16 depend from claim 11. Therefore all pending claims are allowable for at least the reasons set forth above with respect to claim 1. Withdrawal of all pending rejections and a Notice of Allowance for these claims is therefore requested.

Respectfully submitted,

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